IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

FRANK EDWIN PATE,)	
Reg. No. 30430-408)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:19-CV-704-ALB
)	[WO]
WALTER WOODS, et al,)	
)	
Defendants.)	

ORDER

Before the court is Plaintiff Frank Edwin Pate's "Motion to Dismiss Due to Improper Subject Matter," which the court construes as Pate's notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of Civil Procedure (Doc. 4).

Rule 41(a)(1)(A)(i) provides that a plaintiff may voluntarily dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, it is ORDERED that this action is DISMISSED without prejudice under Fed. R. Civ. P. 41(a)(1). The Clerk of Court is DIRECTED to close this case.

 \boldsymbol{DONE} this 21st day of October 2019.

/s/ Andrew L. Brasher
ANDREW L. BRASHER
UNITED STATES DISTRICT JUDGE